

TJS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STAFF INSPECTOR DEBRA FRAZIER
C/O WEISBERG LAW

Plaintiff,

v.

CITY OF PHILADELPHIA d/b/a THE
PHILADELPHIA POLICE DEPARTMENT :
and

COMMISSIONER RICHARD ROSS JR.
Individually and in his official capacity as
Commissioner for the PHILADELPHIA
POLICE DEPARTMENT

Defendants.

Civil Action No. _____

Formerly

Court of Common Pleas of
Philadelphia

March Term 2018 No. 180301983

NOTICE OF FILING OF REMOVAL

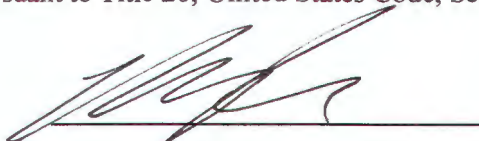
TO: Matthew B. Weisberg, Esquire
7 South Morton Avenue
Morton, PA 19070

Gary Schafkopf, Esquire
11 Bala Avenue
Bala Cynwyd, Pennsylvania 19004

Brian R. Mildenberg, Esquire
1735 Market Street, Ste. 3750
Philadelphia, PA 19103

PLEASE TAKE NOTICE THAT on July 24, 2018, Defendants the City of Philadelphia d/b/a The Philadelphia Police Department and Commissioner Richard Ross Jr., filed in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania a verified Notice of Removal.

A copy of this Notice of Removal is attached hereto and is also being filed with the Clerk of the Court of Common Pleas of Philadelphia County, pursuant to Title 28, United States Code, Section 1446(e).



Christopher Rider, Esq.
Divisional Deputy City Solicitor
Attorney I.D. No.307265
City of Philadelphia Law Department
1515 Arch Street, 16th Floor
Philadelphia, PA 19102
215-683-5082

FILED

JUL 24 2018

KATE BARKMAN, Clerk
Dep. Clerk

TJS

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Civil Action No. _____

Formerly

**Court of Common Pleas of
Philadelphia**

March Term 2018 No. 180301983

NOTICE OF REMOVAL

To the Honorable Judges of the United States District Court for the Eastern District of Pennsylvania:

Pursuant to 28 U.S.C. § 1441, defendants, the City of Philadelphia d/b/a the Philadelphia Police Department and Commissioner Richard Ross Jr. (hereinafter “petitioners”), through its counsel, Christopher Rider, Divisional Deputy City Solicitor, respectfully petitions for the removal of this action to the United States District Court for the Eastern District of Pennsylvania. In support thereof, defendant states the following:

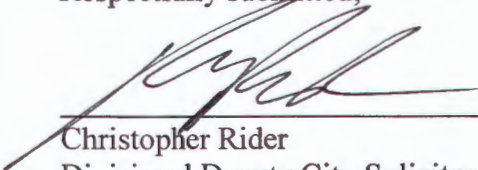
1. On July 7, 2018, plaintiff initiated this action by filing a Complaint in the Court of Common Pleas of Philadelphia, July Term 2018, No.180301983. See Exhibit A, Plaintiff's Complaint.
2. On July 12, 2018, said Complaint was served on Petitioner at 1515 Arch Street, Philadelphia, Pennsylvania.

3. Plaintiff avers that she was denied her promotion due to Defendant Ross' embarrassment of being involved in Plaintiff's previous sexual harassment claim. Plaintiff further alleges that Defendants retaliated against Plaintiff for opposing the aforesaid actions in the workplace. See Exhibit A, Plaintiff's Complaint.
4. This action may be removed to this Court pursuant to 28 U.S.C. § 1441 because plaintiff's Complaint contains allegations of violations of the plaintiff's Federal Civil Rights and seeks relief under the Civil Rights Act 1991 (Title VII). See Exhibit A, Plaintiff's Complaint.
5. There are no other identified defendants in this matter that require consent before removal.

Wherefore, petitioners, City of Philadelphia d/b/a the Philadelphia Police Department and Commissioner Richard Ross Jr., respectfully request that the captioned Complaint be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

Date: July 24, 2018

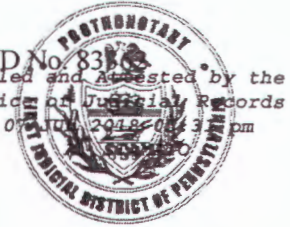


Christopher Rider
Divisional Deputy City Solicitor
Attorney I.D. No. 307265
City of Philadelphia Law Department
1515 Arch Street, 16th Floor
Philadelphia, PA 19102
215-683-5082

WEISBERG LAW
 Matthew B. Weisberg, Attorney ID No. 85570
 7 South Morton Ave. 19070
 Morton, PA
 610-690-0801
 Fax: 610-690-0880
Attorney for Plaintiff

SCHAFKOPF LAW, LLC

Gary Schafkopf, Attorney ID No. 8386
 11 Bala Ave
 Bala Cynwyd, PA 19004
 610-664-5200 Ext 104
 Fax: 888-238-1334
Attorney for Plaintiff



MILDENBERG LAW FIRM
 Brian R. Mildenberg, Attorney ID No. 84861
 1735 Market Street, Ste. 3750
 Philadelphia, PA 19103
Attorney for Plaintiff

STAFF INSPECTOR DEBRA FRAZIER
C/O WEISBERG LAW

Plaintiff

v.

CITY OF PHILADELPHIA d/b/a THE
PHILADELPHIA POLICE
DEPARTMENT
 and

COMMISSIONER RICHARD ROSS JR.
 Individually and in his official capacity as
 Commissioner for the **PHILADELPHIA**
POLICE DEPARTMENT

Defendants.

:
 : **PHILADELPHIA COUNTY COURT**
 : **OF COMMON PLEAS**
 :
 :

: No. 180301983
 :
 :

: **JURY OF TWELVE (12) JURORS**
 : **DEMANDED**
 :
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NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas ex-puestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo

may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Philadelphia Bar Association Lawyer
Referral and Information Service One
Reading Center Philadelphia, Pennsylvania
19107
(215) 238-6333
TTY (215) 451-6197

aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

USTED LE DEBE TOMAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE A UN ABOGADO, VA A O TELEFONEA LA OFICINA EXPUSO ABAJO. ESTA OFICINA LO PUEDE PROPORCIONAR CON INFORMACION ACERCA DE EMPLEAR A UN ABOGADO. SI USTED NO PUEDE PROPORCIONAR PARA EMPLEAR UN ABOGADO, ESTA OFICINA PUEDE SER CAPAZ DE PROPORCIONARLO CON INFORMACION ACERCA DE LAS AGENCIAS QUE PUEDEN OFRECER LOS SERVICIOS LEGALES A PERSONAS ELEGIBLES EN UN HONORARIO REDUCIDO NI NINGUN HONORARIO.

Asociacion De Licenciados De Filadelfia
Servicio De Referencia E Informacion Legal
One Reading Center Filadelfia, Pennsylvania
19107
(215) 238-6333
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3. Defendant, Richard Ross Jr., is employed as Commissioner of the Philadelphia Police Department. Defendant is being sued both individually and in his official capacity.
4. Venue is proper in Philadelphia County Pennsylvania as the incident giving rise to the Complaint occurred in Philadelphia County Pennsylvania. Venue is appropriate in this Court pursuant to Pa. R.C.P. 1006.
5. Jurisdiction and venue are therefore proper in Philadelphia County Pennsylvania

OPERATIVE FACTS

6. At all times relevant here to, Plaintiff has been Staff Inspector of the Narcotics Bureau.
7. At all times relevant here to Plaintiff had brought separate claim against the City of Philadelphia Police Department regarding sexual harassment.
8. All times relevant here to Defendant Richard Ross acted in place of then Commissioner Charles Ramsey as the Police Departments representative and was the subject of a deposition related to sexual harassment claim.
9. During the course of the deposition Defendant Ross falsely testified that Plaintiff had never worked in the district as a Police Captain in the 14th District.
10. Plaintiff's attorney exposed Defendant Ross's false testimony by proving Plaintiff was employed in the district as a Police Captain and that Ross had given her various detail assignments during her time as Captain.
11. Plaintiff's attorney embarrassed and undermined Ross's credibility during the course of the deposition.
12. Upon information and believe Defendant Ross would later use this embarrassing incident to preclude Plaintiff from being promoted to Chief Inspector of the Philadelphia Police

24. Following the expiration of the list in the Spring of 2016, Defendant Ross promoted two men to the rank of Chief Inspector.

25. Plaintiff believes and avers she was denied her promotion due to Defendant Ross's embarrassment of being involved in Plaintiff's previous sexual harassment claim.

COUNT I
RETALIATION AND EMPLOYMENT DISCRIMINATION,
AS AMENDED BY THE CIVIL RIGHTS ACT 1991 [Title VII]

26. Plaintiff incorporates the foregoing paragraphs as if fully set forth at length herein.

27. Defendants retaliated against Plaintiff for opposing the aforesaid actions in the workplace.

28. Plaintiff suffered harm due to Defendants' conduct.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter judgment in her favor and against Defendants, individually, jointly and/or severally, in an amount in excess of \$50,000.00 plus such other and further relief as this Honorable Court deems necessary and just, and to Order the following relief:

- a. Statutory damages;
- b. Punitive damages;
- c. Compensatory damages, including;
 - i. Actual damages for financial and physical injuries, and emotional distress;
- d. Attorneys' fees and expenses, costs of suit, and equitable relief;
- e. Promotion of Plaintiff to the rank of Chief Inspector.

13. At all times relevant here to Plaintiff become aware of the promotional exam in May of 2014 for Chief Inspector of the Philadelphia Police Department.
14. Plaintiff took the required civil service promotional exam in May 2014.
15. The exam results were published with Plaintiff initially ranking Number 6 on the list for the Chief Inspector promotional list.
16. Following the publication of the list the four candidates ahead of Plaintiff were removed from contention for various reasons resulting in Plaintiff ranking Number 2 on the list.
17. At all times relevant here to, Commissioner Richard Ross had the ability promote from the published list for two years.
18. In or about late 2015 Defendant Ross advised Roosevelt Poplar, the Vice Present of the Fraternal Order of Police, that he intended to promote all ranks including Chief Inspector from the May 2014 list and that he intended to promote the top two ranked individuals on the Chief Inspector list.
19. Roosevelt Poplar then spoke with Plaintiff and advised her of Ross's intention to promote the top two candidates from Chief Inspector list.
20. Plaintiff believed that given her status as Number 2 on the list she would be promoted and awaited the announcement.
21. Prior to the making the public announcement Defendant Ross contacted Plaintiff and advised her he would not be promoting any Chief Inspectors.
22. Defendant Ross told Plaintiff "You will get over it."
23. A short time later, Defendant Ross announced the promotion of all ranks expect Chief Inspector.

Respectfully Submitted,

BY: /s/ Matthew Weisberg
MATTHEW B. WEISBERG, ESQ
WEISBERG LAW
Attorney ID No. 85570
7 South Morton Ave. 19070
Morton, PA
610-690-0801
Fax: 610-690-0880
Attorney for Plaintiff

DATED: 7-6-18

BY: /s/ Brian R Mildenberg
BRIAN R. MILDENBERG, ESQ
MILDENBERG LAW FIRM
Attorney ID No. 84861
1735 Market Street, Ste. 3750
Philadelphia, PA 19103
215-545-4870
Fax: 215-545-4871
Attorney for Plaintiff

DATED: 7-6-18

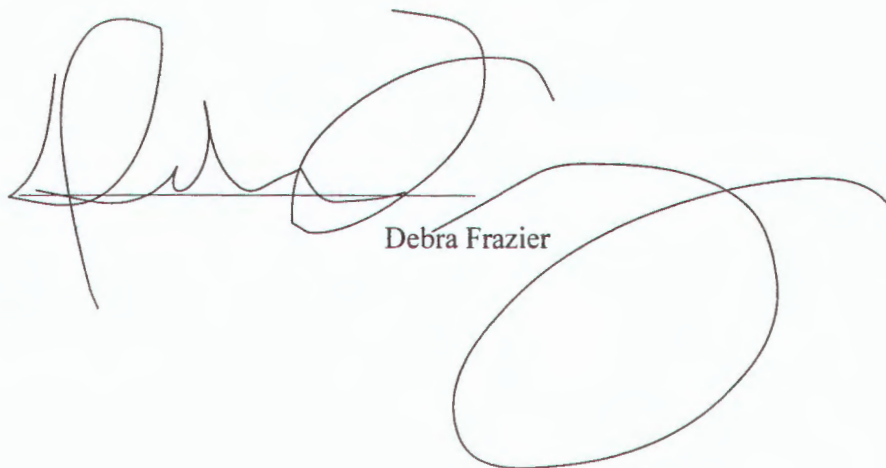
BY: /s/ Gary Schafkopf
GARY SCHAFKOPF, ESQ
SCHAFKOPF LAW, LLC
Attorney ID No. 83362
11 Bala Ave
Bala Cynwyd, PA 19004
610-664-5200 Ext 104
Fax: 888-238-1334
Attorney for Plaintiff

DATED: 7-6-18

VERIFICATION

I, Debra Frazier, state that I am the Plaintiff in this action and that the foregoing is true and correct to the best of my knowledge, information and belief. I understand that the statements made in the foregoing Complaint are made subject to the penalties of 18 Pa.C.S. 4904 related to unsworn falsification to authorities.

Dated: 7/6/2018

A handwritten signature in dark ink, appearing to read 'Debra Frazier', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

Debra Frazier